

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

CINDI MARCELLUS,

Plaintiff,

v.

VILLAGE BANK and

DAVID G. FAHY,

Defendants.

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Civil No. 3:12cv260

MOTION TO DISMISS OF DEFENDANT DAVID G. FAHY

Defendant David G. Fahy (“Mr. Fahy”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and Local Civil Rule 7, hereby moves to dismiss with prejudice the Complaint filed against him by Plaintiff Cindi Marcellus for failure to state a claim upon which relief may be granted. In support of this Motion, Mr. Fahy respectfully refers the Court to the accompanying Memorandum of Points and Authorities.

Dated: June 12, 2012

Respectfully submitted,

DAVID G. FAHY

/s/

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send a notification of such filing to the following counsel of record:

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